HON'BLE Mr. JUSTICE GODA RAGHURAM

Writ Petition Nos.9813 and 9814 of 2006

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Common Order:

Since the issue involved in these writ petitions is one and the same, they are being disposed of by this common order.

2. The petitioners allege attempts by the respondents, particularly, the second respondent to dispossess them from the lands in an extent of Ac.10.00 cents in S.No.552 and Ac.4.99 cents in S.Nos.546 and 547, situated in Mederametla village, Korisapadu Mandal, Prakasam District, belonging to the third respondent-Devasthanam. Petitioners are the lessees and have been declared as landless poor persons within the meaning of the said expression under Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 ('the Act' for brevity).

3. Earlier, in the year 2003, proceedings were initiated under the Land Acquisition Act, 1894 ('the Acquisition Act' for brevity) for acquisition of the lands of the third respondent-Devasthanam, including those in possession of the petitioners, by publishing a draft notification under Section 4(1) of the Acquisition Act, but the draft notification lapsed by the efflux of time, no further proceedings having been pursued. Now, petitioners allege, the second respondent is orchestrating factual takeover of the aforesaid lands without following the due process of law and the officers of the second respondent have marked the lands for allotment to landless poor persons in subversion of the petitioners' leasehold rights and despite being declared as landless poor persons within the meaning of the expression Section 82 of the Act.

4. If the allegations of the petitioners be true, the second respondent or the officers acting under orders of the second respondent or independently on their own and under the colour of a public office are acting illegally and without the authority of law. Even so the petitioners have a plurality of remedies. They could exercise the right of private defence and resist with countervailing force any illegal action of any person

including persons holding a public office acting without the authority of law; the petitioners may also prefer a complaint to the nearest police station naming the particular officer or officers or other persons, alleging criminal trespass into their lands or they may approach the civil Court of competent jurisdiction seeking for injunctive or appropriate relief. There is no necessity for landless poor persons of Korisapadu Mandal, Prakasam District, to travel all the way to Hyderabad, and institute this writ petition under Article 226 of the Constitution of India. Merely because the alleged lawlessness is by persons holding a public office, they are not immune to law. The petitioners are at liberty to initiate appropriate action against any public officer acting without the authority of law and bring them to heel alleging conduct outside the authority of law.

5. The writ petitions are dismissed. The petitioners are at liberty to pursue appropriate remedies of their choice. No order as to costs.

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JUSTICE GODA RAGHURAM.

May 9, 2006

N.B. **Furnish C.C. as soon as possible**

B/o

MRR/TSR